

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nick Kuczek	Team: Squad #08	CCRB Case #: 202300781	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/04/2023 1:40 PM	Location of Incident: Outside of 171-38 108th Avenue	18 Mo. SOL 7/4/2024	Precinct: 103		
Date/Time CV Reported Sun, 01/29/2023 11:17 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 01/29/2023 11:17 AM		
Complainant/Victim	Type	Home Address			
Witness(es)	Home Address				
Subject Officer(s)	Shield	TaxID	Command		
1. PO Christopher Clinco	18876	954646	103 PCT		
2. PO Corey Gresh	10457	949063	103 PCT		
3. SGT John Moran	02699	949361	103 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. PO Christian Mele	29333	965331	103 PCT		
2. PO Brian Gilmor	05981	963541	103 PCT		
3. PO Ivor Alexander	19037	958230	103 PCT		
Officer(s)	Allegation	Investigator Recommendation			
A . PO Christopher Clinco	Abuse: Police Officer Christopher Clinco threatened to arrest § 87(2)(b)				
B . SGT John Moran	Abuse: Sergeant John Moran forcibly removed § 87(2)(b) to the hospital.				
C . PO Christopher Clinco	Discourtesy: Police Officer Christopher Clinco acted discourteously toward § 87(2)(b)				
D . PO Corey Gresh	Discourtesy: Police Officer Corey Gresh spoke discourteously about § 87(2)(b)				
E . PO Corey Gresh	Off. Language: Police Officer Corey Gresh made offensive remarks about § 87(2)(b)				
§ 87(2)(g), § 87(4-b)					

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via on-line website on January 29, 2023

On January 4, 2023, at approximately 1:40 PM, § 87(2)(b) approached § 87(2)(b) outside of 171-38 108th Avenue in Queens. § 87(2)(b) attempted to grab a cellphone from § 87(2)(b) hand, pulled § 87(2)(b) wig off, and § 87(2)(b) pinned § 87(2)(b) down on the ground. PO Christopher Clinco and PO Corey Gresh of the 103rd Precinct arrived on scene, handcuffed § 87(2)(b) and PO Clinco allegedly told § 87(2)(b) that if she did not calm down, she would be arrested (**Allegation A, Abuse of Authority** – § 87(2)(g) Sgt. John Moran of the 103rd Precinct arrived on scene and after speaking to PO Clinco, PO Gresh, § 87(2)(b) and § 87(2)(b) determined that § 87(2)(b) needed to be removed to the hospital (**Allegation B, Abuse of Authority** – § 87(2)(g) § 87(2)(b) While waiting for the ambulance to arrive on scene, PO Clinco kicked § 87(2)(b) scarf, before picking it up and placing it with her other belongings (**Allegation C, Discourtesy** – § 87(2)(g) PO Gresh spoke to § 87(2)(b) about § 87(2)(b) stating, “It’s not worth it. Obviously, she’s crazy, right?” (**Allegation D, Discourtesy** – § 87(2)(g) (**Allegation E, Offensive Language** – § 87(2)(g) § 87(2)(b) was removed to § 87(2)(b) Hospital.

§ 87(2)(g), § 87(4-b)

The investigation obtained Body-worn camera footage (BWC) from PO Clinco, PO Gresh, and Sgt. Moran, and from PO Christian Mele, PO Brian Gilmor, and PO Ivor Alexander of the 103rd Precinct (Board Review 07).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Christopher Clinco threatened to arrest

§ 87(2)(b)

Allegation (B) Abuse of Authority: Sergeant John Moran forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) provided a statement to the CCRB via telephone on February 03, 2023. She stated that on January 4, 2023, at approximately 1:40 PM, she saw § 87(2)(b) walking outside of 171-38 108th Avenue in Queens and noticed that § 87(2)(b) was speaking on a cellphone that § 87(2)(b) recognized as her own. § 87(2)(b) believed that § 87(2)(b) entered her home and stole the cellphone. § 87(2)(b) approached § 87(2)(b) reached for the cellphone, and tried to take it out of her hand. § 87(2)(b) backed away from § 87(2)(b) and stated, “Please § 87(2)(b) please § 87(2)(b) walked off the sidewalk and into the street and § 87(2)(b) followed her, with § 87(2)(b) punching her on the left side of her face. § 87(2)(b) tried to reach for the cellphone again and § 87(2)(b) punched § 87(2)(b) two more times. § 87(2)(b) grabbed § 87(2)(b) by the wig to try and hit her head against the car that was parked in front of 171-38 108th Avenue, but the wig came off § 87(2)(b) head. § 87(2)(b) pulled § 87(2)(b) by her shirt and pulled her down, and § 87(2)(b) landed on top of § 87(2)(b) with § 87(2)(b) on her back. § 87(2)(b) held § 87(2)(b) down on the ground, and § 87(2)(b) father, § 87(2)(b) approached them and called 911 on his cellphone.

PO Clinco and PO Gresh arrived on scene, and § 87(2)(b) and § 87(2)(b) stood up. § 87(2)(b) told the officers that § 87(2)(b) had assaulted his daughter and attempted to steal her cellphone, and § 87(2)(b) yelled at the two officers, because they did not help her off the ground, and because they were not arresting § 87(2)(b) PO Clinco handcuffed § 87(2)(b) and told her that she needed to calm down or that she would be arrested. About fifteen minutes later, an ambulance arrived on scene, and

PO Clinco told § 87(2)(b) that she needed to go to the hospital. § 87(2)(b) was not told by any officer whether she had a choice in going to the hospital. § 87(2)(b) was removed to § 87(2)(b) hospital where she was treated for injuries sustained from her altercation with § 87(2)(b) (Board Review 08).

PO Gresh testified at the CCRB on March 20, 2023. He stated that on January 4, 2023, at approximately 1:40 PM, he and PO Clinco responded to a radio call for an assault in progress outside of 171-38 108th Avenue in Queens. Upon arrival, § 87(2)(b) was lying in the street with § 87(2)(b) on top of her and holding her down, while § 87(2)(b) stood next to them. PO Gresh and PO Clinco separated the two, with PO Gresh talking to § 87(2)(b) and PO Clinco talking to § 87(2)(b). § 87(2)(b) yelled and cursed at § 87(2)(b) and PO Gresh believed § 87(2)(b) took several steps towards § 87(2)(b) leading him and PO Clinco to handcuff her for safety reasons.

§ 87(2)(b) told PO Gresh that § 87(2)(b) walked up to her on the street, pulled her wig off, and told her that she told § 87(2)(b) that this was going to happen, and stated that she was going to get her. § 87(2)(b) then pulled § 87(2)(b) down to the ground and held her there until the police arrived on scene. PO Gresh heard PO Clinco ask § 87(2)(b) if she did that, and § 87(2)(b) told PO Clinco that she did pull § 87(2)(b) wig off. § 87(2)(b) told PO Gresh that she was friends with § 87(2)(b) daughter, and PO Gresh had § 87(2)(b) call § 87(2)(b) daughter, because based on § 87(2)(b) cursing and yelling, he wanted to know if § 87(2)(b) had a mental health history. PO Gresh recalled § 87(2)(b) making statements about § 87(2)(b) planting cameras in her home but did not recall any further detail as to what § 87(2)(b) was yelling about. PO Gresh spoke to § 87(2)(b) daughter, who stated that § 87(2)(b) had previously been hospitalized and suffered from a behavioral disorder. PO Gresh heard § 87(2)(b) tell PO Clinco that she had previously gone to the hospital, had been prescribed medication, but was not taking it.

Sgt. Moran arrived on scene, and PO Gresh and PO Clinco told him that they felt § 87(2)(b) needed to be removed to the hospital, as § 87(2)(b) cursing and yelling at § 87(2)(b) led them to believe that § 87(2)(b) was a threat to § 87(2)(b). Sgt. Moran spoke to § 87(2)(b) and § 87(2)(b) and made the decision to have § 87(2)(b) removed to the hospital (Board Review 10).

PO Clinco testified at the CCRB on March 20, 2023. His testimony was consistent with that of PO Gresh, stating that § 87(2)(b) undisputedly initiated the incident involving § 87(2)(b) admitted to pulling her wig off, and stated that § 87(2)(b) cursed and yelled at § 87(2)(b) throughout the incident. PO Clinco did not recall telling § 87(2)(b) that she could be arrested during this incident (Board Review 09).

Sgt. Moran testified at the CCRB on March 30, 2023. He stated that upon his arrival on scene outside 171-38 108th Avenue in Queens, PO Clinco and PO Gresh told him that during their investigation, both § 87(2)(b) and § 87(2)(b) stated that § 87(2)(b) chased after § 87(2)(b) in the street, pulled her wig off, and knocked a cellphone out of her hand, with § 87(2)(b) stating that she struck § 87(2)(b) and held her on the ground until the police arrived on scene, doing so in self-defense.

Sgt. Moran spoke to § 87(2)(b) who remained irate and aggressive, yelling insults at § 87(2)(b) and § 87(2)(b) told Sgt. Moran that she pulled § 87(2)(b) wig off, knocked a cellphone out of her hand, and stated that she did so because § 87(2)(b) stole her cellphone.

Sgt. Moran made the decision to remove § 87(2)(b) to the hospital because of her possible mental health condition, her irate and aggressive behavior, and because he believed her to be a threat to others based on her attack of § 87(2)(b) (Board Review 15).

PO Clinco's BWC (Board Review 07) captured the entirety of his interactions outside of 171-38 108th Avenue during this incident. At one minute and five seconds, PO Clinco and PO Gresh approach § 87(2)(b) and § 87(2)(b) has § 87(2)(b) held down on the ground and stands up. § 87(2)(b) yells at § 87(2)(b) stating that she took her cellphone, and states, "That's why I knocked that shit out of your hand," with PO Clinco holding § 87(2)(b) left shoulder with his right hand and telling her to stay there. § 87(2)(b) continues to yell at § 87(2)(b) and § 87(2)(b) and begins to step towards § 87(2)(b) and PO Clinco and PO Gresh handcuff her. At three minutes, § 87(2)(b) tells PO Clinco that § 87(2)(b) "switched" her cellphone and at three minutes and forty-five seconds, states that § 87(2)(b) placed cameras in her home, and states that as the reason for going after § 87(2)(b). At eight minutes and twenty-nine seconds, PO Clinco asks § 87(2)(b) when the last time she went to the hospital was, and § 87(2)(b) states that she was hospitalized two weeks ago, was diagnosed with a behavioral disorder, prescribed medication, and stated a doctor told her that she did not need to take the medication if she felt she did not need it.

PO Gresh's BWC (Board Review 07) captured the entirety of his interactions outside of 171-38 108th Avenue during this incident. At two minutes and seven seconds, § 87(2)(b) tells PO Gresh that she was talking to her friend on the phone while walking to her mother's house, when § 87(2)(b) ran up to her, attacked her, and told her, "I told you I was going to get you." § 87(2)(b) stated that § 87(2)(b) then pulled her wig off her head, and § 87(2)(b) hit her back, and pinned her on the ground until police arrived. At three minutes and thirty-two seconds, § 87(2)(b) tells PO Gresh that she has had ongoing problems with § 87(2)(b) knows § 87(2)(b) children, and tells PO Gresh that he could speak to them to get further details on § 87(2)(b). At four minutes and fifteen seconds, § 87(2)(b) tells PO Gresh that § 87(2)(b) has been diagnosed with some form of schizophrenia, and § 87(2)(b) states that she can call § 87(2)(b) daughter. At five minutes and ten seconds, PO Clinco tells PO Gresh that § 87(2)(b) is claiming that § 87(2)(b) entered her home and switched out her cellphone, and that that was the reason for her initiating the altercation with § 87(2)(b). At five minutes and thirty seconds, PO Gresh tells PO Clinco that § 87(2)(b) possibly has schizophrenia, and states that § 87(2)(b) was the aggressor in her altercation with § 87(2)(b). At six minutes and twenty seconds, PO Gresh speaks to § 87(2)(b) daughter on § 87(2)(b) cellphone and asks her if § 87(2)(b) suffers from any mental illness. At eight minutes, PO Gresh tells PO Clinco that § 87(2)(b) daughter told him that § 87(2)(b) had a previous mental health evaluation at § 87(2)(b) Hospital and stated that she would like for § 87(2)(b) to have another evaluation.

Sgt. Moran's BWC (Board Review 07) captured his interactions with PO Clinco, PO Gresh, § 87(2)(b) and § 87(2)(b) during this incident. At one minute, Sgt. Moran arrives on scene, and PO Clinco informs him that § 87(2)(b) admitted to initiating the incident and going after § 87(2)(b) and states that § 87(2)(b) was defending herself. PO Clinco then tells Sgt. Moran that § 87(2)(b) was talking about her home being "bugged" with cameras and stated that they were able to speak with § 87(2)(b) daughter via telephone, who informed the officers that § 87(2)(b) been previously hospitalized and diagnosed with a disorder. At one minutes and forty-nine seconds, PO Clinco tells Sgt. Moran that they handcuffed § 87(2)(b) because she was agitated upon their arrival on scene. At two minutes and twenty-three seconds, PO Clinco tells Sgt. Moran that they are going to go "EDP," with Sgt. Moran agreeing and stating to allow the additional unit to resume patrol and leave the scene. At nine minutes and fifty-eight seconds, Sgt. Moran asks § 87(2)(b) to explain what happened. § 87(2)(b) states that she was walking home from work, when § 87(2)(b) ran up to her, stated, "I told you I was going to get you," tried to grab her cellphone, claiming that it was hers, and grabbed her wig and pulled it off. § 87(2)(b) stated that § 87(2)(b) claimed the cellphone belonged to her and that § 87(2)(b) stole it. § 87(2)(b) stated that the cellphone belonged to her, and that § 87(2)(b) was "delusional." At seventeen minutes, Sgt. Moran tells § 87(2)(b) that she is going to the

hospital to get checked out, and states that she is going for an evaluation, as well as to get treatment for the injury to her eye.

According to Patrol Guide Procedure 221-13, an emotionally disturbed person (EDP) is a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. When police officers encounter an emotionally disturbed person who is unarmed, not violent, and cooperative, they are to take the EDP into custody and remove them to a hospital by ambulance (Board Review 13).

PO Clinco's BWC (Board Review 07) revealed that at no point did PO Clinco tell § 87(2)(b) that she would be arrested. § 87(2)(g)

It is undisputed that § 87(2)(b) initiated the altercation between her and § 87(2)(b) as she acknowledged that she approached § 87(2)(b) and tried to grab the cellphone out of her hand, before grabbing the wig of § 87(2)(b) to hit her head against a car. During PO Clinco's investigation, § 87(2)(b) acknowledged that she had been diagnosed with a behavioral disorder. Upon Sgt. Moran's arrival on scene, he was made aware of § 87(2)(b) diagnosed condition, that § 87(2)(b) was actively not taking prescribed medication to treat the condition and observed § 87(2)(b) yelling insults at § 87(2)(b) and § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Discourtesy: Police Officer Christopher Clinco acted discourteously toward

§ 87(2)(b)

Allegation (D) Discourtesy: Police Officer Corey Gresh spoke discourteously about

§ 87(2)(b)

Allegation (E) Offensive Language: Police Officer Corey Gresh made offensive remarks about

§ 87(2)(b)

§ 87(2)(b) stated that after an ambulance arrived on scene, PO Clinco kicked her handbag, before going to pick it up off the ground. § 87(2)(b) told PO Clinco that was not the way he should handle her belongings, and PO Clinco told § 87(2)(b) that he was sorry and stated that he should not have done that (Board Review 08).

Sgt. Moran's BWC (Board Review 07) captured PO Clinco kicking § 87(2)(b) property. At three minutes and twenty-one seconds, PO Clinco points at § 87(2)(b) scarf and handbag on the ground and confirms that it is her property. PO Clinco kicks § 87(2)(b) scarf from the grass to the sidewalk and picks it up. At Three minutes and twenty-seven seconds, § 87(2)(b) states, "Please don't kick my stuff around like that," and PO Clinco responds, stating, "I won't do it again."

PO Clinco was presented with the BWC of Sgt. Moran (Board Review 07). The footage was played from three minutes and twenty-one seconds to three minutes and thirty-seven seconds, capturing PO Clinco kicking § 87(2)(b) scarf from the grass and across the sidewalk. PO Clinco stated that he kicked the scarf to move it, and when asked why he did not just pick it up, he stated that he did not know (Board Review 09).

PO Gresh's BWC (Board Review 07) captured his interactions with § 87(2)(b) during this incident, and while no one complained of this, captured a discourteous remark made by PO Gresh. At twenty-three minutes and twenty-two seconds, PO Gresh requests identifying information from § 87(2)(b)

Civilian and Officer CCRB Histories

- _____

Mediation, Civil, and Criminal Histories

- _____

Squad: 8

Investigator: Nicholas Kuczek Investigator Nicholas Kuczek 04/04/2023
Signature Print Title & Name Date

Squad Leader: Ethan De Angelo IM Ethan De Angelo 4/4/2023
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____